

P.R. No. 2547/06
Presented by Shri. [Signature]
dated 24.9.06

W 270/

11

Single Bench

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR

SECOND APPEAL No. 390 /2006

APPELLANT

Defendant

Mohd. Toshib, aged about 43
years, S/o Mohd. Siddique, By
Caste Musalmaan, R/o Bus Stand,
Tahsil and Distt. Korba (C.G)

VERSUS

RESPONDENT

Plaintiff

Teemanlal aged about 40 years,
S/o Jarharam Sao, By Caste Sahu,
R/o Purani Basti, Distt. Korba

**SECOND APPEAL UNDER SECTION 100 OF THE CODE OF
CIVIL PROCEDURE 1908**

मामला क्रमांक S.A. No. 390/06 सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	23.11.2006 Shri Parag Kotecha, learned counsel for the appellant. Shri Sri Kumar Agrawal, learned Senior Advocate with Shri Anand Kumar Gupta, counsel for respondent/plaintiff. Shri Parag Kotecha, learned counsel for the appellant seeks permission to withdraw this Second Appeal with liberty to file an application/objection before the Executing Court on the ground that the plaintiff had filed the suit for eviction while pleading that the suit accommodation was situated on Kh.No.997/2 whereas the defendant/appellant is actually in possession of accommodation situated on land Khasra Nos. 996/1 & 996/2 and is not in possession of any accommodation situated on land Khasra No. 997/2. Shri Sri Kumar Agrawal, learned Senior Advocate for the respondent/plaintiff does not have any objection <i>in grant of aforesaid liberty.</i> Reserving the aforesaid liberty, this Second Appeal is dismissed as withdrawn. No order as to costs. Consequently, M.C.P. No. 1521/2006 for grant of stay stands disposed of.	

Anjani

Sd/-
Dilip Raosaheb Deshmukh
Judge

P.T.O.

25/11/06
20/11/10
27/11/15